



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending January 30, 1999

## **QuanTech, Inc. v. DOC—GAO B-281454**

GAO has dismissed the protest in this case relying substantially on the Agency's legal argument and factual record presented in this case. QuanTech the incumbent contractor protested the \$7.5 million contract award to Macro International for the performance of the National Marine Fisheries Service (NMFS) Marine Recreational Fisheries Statistics Survey. QuanTech had challenged the terms of the solicitation and the reasonableness of the agency's evaluation. GAO found that QuanTech had failed to state a valid basis for its protest, that protests grounds were untimely, and that the agency reasonably evaluated QuanTech's business and technical proposals. The GAO decision was not expected until February 12, 1999, but issued the decision on January 26, 1999. This early decision allows the agency to meet critical survey time frames. (Catherine Shea and Ed Weber)

## **Domain Name System**

After NTIA published in the CBD its intent to award a sole source contract to the Internet Corporation for Assigned Names and Numbers, NTIA and the contracting officer received several inquiries, some of them characterized as protests. NTIA and the contracting office are reviewing these submissions. Four submissions also characterized as protests were filed at the General Accounting Office (GAO). At the time of this report, the agency had not yet heard from GAO.

## **Aspen Helicopters v. Dept. of Commerce—GSBCA No. 13258-COM**

The parties' counsel will meet on January 29 to finalize stipulations of fact and documents, in preparation for a record submission. (Amy L. Freeman and Terry H. Lee)

## **Eastern Technical Enterprises, Inc. v. DOC—GAO-B-281319, B-281320**

This protest arose out of the cancellation of an IFB for ship repair out of EASC after bid opening but before award, and conversion of the IFB to an RFP. Protestor was the low bidder and putative awardee. It complained that the cancellation was improper because there was not the sufficient compelling reason, pursuant to FAR §14.404-1(c)(1),(2), to cancel the IFB. The GAO found that the cancellation was proper as the record indicated

that the agency's needs had materially changed as evidenced by the significantly relaxed requirements contained in the RFP as they related to the quantity, quality, and potential price of the supplies and services. (Ken Lechter)

## **Charles E. Smith Real Estate Services, L.P., et al. v. DoC, et al. —(E.D. Va.) CV 98-1837-A**

The U.S. Magistrate assigned to hear preliminary discovery issues in this suit to enjoin award of a lease for PTO office space has granted the Government's motion for a protective order. A motion for summary judgment on the merits will be filed shortly. PTO's office space consolidation procurement is being conducted by GSA. (Lisa J. Obayashi)

## **Ken Lechter on Detail**

Ken Lechter is on a one year detail to NIST to the office of the Director of Administration, Jorge Urrutia. Ken's CLD work, other than ongoing litigation, has been reassigned to other attorneys.

## **CLD "Time to Complete"—4.1 Days**

### **Actions by Contract Law Division during Period**

	From 1/17/99	To 1/30/99
Bureau	Received	Completed
CENSU	1	1
NIST	5	6
NOAA	7	10
Total	13	17

Contract Law Division—Client Workload  
Period Ending 01/30/99

